

TENNESSEE RULES OF APPELLATE PROCEDURE
RULE 6
SECURITY FOR COSTS ON APPEAL

[Label the existing language as paragraph (a) and add the following new paragraphs (b) and (c):]

(a) Unless an appellant is exempted by statute or these rules or the Tennessee Rules of Civil Procedure, or has filed a bond for a stay that includes security for the payment of costs on appeal, in civil actions a bond for costs on appeal shall be filed by the appellant in the trial court with the notice of appeal. The trial court shall notify the Appellate Court Clerk of a party's failure to file a bond with the notice of appeal. The appellate court may issue a show cause order as to why the appeal should not be dismissed for failure to file a bond. A bond for costs on appeal shall have sufficient surety, and it shall be conditioned to secure the payment of costs if the appeal is finally dismissed or the judgment affirmed or the payment of such costs as the appellate court may direct if judgment is modified. After a bond for costs on appeal is filed, an appellee may raise on motion for determination by the trial court objections to the form of the bond and/or the sufficiency of the surety. The provisions of Tennessee Rule of Civil Procedure 65A, regarding other forms of security and sureties, apply to a bond given under this rule.

(b) Unless an appellant is exempted by statute or has filed an affidavit of indigency and been permitted to proceed on appeal as a poor person, the appellant shall pay to the clerk of the appellate court all applicable litigation taxes upon receipt of the notice of docketing of the appeal pursuant to Rule 5(c). If the appellant fails to pay the litigation tax, the appellate court may issue an order requiring the appellant to show cause why the appeal should not be dismissed for failure to pay the litigation tax.

(c) Any party wanting to litigate appellate issues despite dismissal of the original appellant's appeal shall file with the appellate court clerk a cost bond with sufficient surety to replace the cost bond filed by the original appellant. Filing of the replacement cost bond shall relieve the original appellant and surety of further obligations under the original cost bond.

Advisory Commission Comment

New subparagraph (b) states the procedure for payment of all litigation taxes applicable to the appeal. New subparagraph (c) conforms to a similar provision in Appellate Rule 15(a).